



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,264	08/20/2003	Vadim Bluvshiteyn	MSFT125549	7483

38991	7590	02/05/2008
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC		
1420 FIFTH AVENUE		
SUITE 2800		
SEATTLE, WA 98101-2347		

EXAMINER	
RAYYAN, SUSAN F	

ART UNIT	PAPER NUMBER
2167	

MAIL DATE	DELIVERY MODE
02/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/644,264

Applicant(s)

BLUVSHTEYN ET AL.

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/21/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) 11-13, 15-16, 18-20, 38-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-0, 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 11-20, 31-39 are withdrawn.
2. Claims 14, 17, 31-37 have been canceled.
3. Claims 1-10, 21-30 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-9, 21, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0103190 issued to Kunihiro Mochizuki ("Mochizuki") and US 2004/0064568 issued to Akhil K. Arora ("Arora") and US Patent 7,127,641 issued to Doug Anderson ("Anderson").

As per claim 1 Mochizuki teaches:

extracting from the computer system information including, but not limited to, information about the computer operating system, hardware, and processor and storing the system information in a log file (at [0042], extract information about computer hardware and software of user's PC and stores the information in a configuration database (log file), [0023], extracts formal name of an operating system, service pack and build number.);

extracting from the computer executables information including, but not limited to, information about executables included in a defined set of folders stored on the computer and executables associated with services provided by the computer and storing the executables information in the log file, the executables information including attributes determined by the executables, the attributes including at least one attribute other than a version number (at [0038]-[0042], extract information about the configuration of the software and hardware, a formal name of the operating system, service pack, and build number are extracted as information about the software, version number of the Internet Explorer, additional information extracted applications (executable) installed and extracted from software from listed items of additions and deletions. Information on computer executable s would be extracted from a s set of folders, and PSAPI, DLL);

extracting from the computer information regarding the application programs installed on the computer including linked executables and storing the application program information in the log file..., the application program information including attributes determined by the application programs including the linked executables ([0040]-[0041], information about applications (executables) installed and resident applications is extracted. [0036], extracted information about the configuration of the software and/or hardware is stored in the configuration database (log file)).

Mochizuki does not explicitly teach deriving a signature for each of the executables based on a subset of the attributes associated with the executable and storing the resultant signatures in the log file. Arora does teach this limitation at [0077], as single file attribute such as file name or identification is transformed to a hash function to efficiently access data. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mochizuki with deriving a signature for each of the executables based on a subset of the attributes associated with the executable and storing the resultant signatures in the log file to efficiently access data.

Mochizuki and Arora do not explicitly teach a log file in a standardized language. Anderson does teach this limitation (column 7, lines 1-4, as capturing results in an XMLlog file) to efficiently capture execution history information. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Mochizuki and Arora with a XML log file to efficiently capture execution history information (column 7, lines 1-5).

As per claim 21, Mochizuki teaches:

enumerating executables associated with each application on and each service provided by the computer that has an associated executable and for each executable, extracting information about the executable, the information including a plurality of attributes regarding the executable number (at [0038]-[0042], extract information about the configuration of the software and

hardware, a formal name of the operating system, service pack, and build number are extracted as information about the software, version number of the Internet Explorer, additional information extracted applications (executable) installed and extracted from software from listed items of additions and deletions. Information on computer executable s would be extracted from an s set of folders, and PSAPI, DLL), information about applications (executables) installed and resident applications is extracted, [0036], extracted information about the configuration of the software and/or hardware is stored in the configuration database (log file)).

Mochizuki does not explicitly teach deriving a signature for a combined set of attributes including from each of the executables. . Arora does teach this limitation at [0077], as single file attribute such as file name or identification is transformed to a hash function to efficiently access data. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mochizuki with deriving a signature for a combined set of attributes including from each of the executables to efficiently access data.

Mochizuki and Arora do not explicitly teach a log file in a standardized language. Anderson does teach this limitation (column 7, lines 1-4, as capturing results in an XMLlog file) to efficiently capture execution history information. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Mochizuki and Arora with a XML log file to efficiently capture execution history information (column 7, lines 1-5).

As per claim 5 same as claim arguments above and Mochizuki teaches:
wherein extracting application program information comprises accessing an installer component of the computer ([0040], information about applications installed on the computer system is extracted from a list of additions and deletions).

As per claim 6 same as claim arguments above and Mochizuki teaches:
wherein the application program information is stored in connection with the installer component ([0040], information about applications installed on the computer system is extracted from a list of additions and deletions).

As per claim 7 same as claim arguments above and Mochizuki teaches:
wherein extracting the application program information comprises accessing more than one information source for the information ([0038]-[0041], information about applications installed on the computer system is extracted from a list of additions and deletions form the registry, information extracted using windows application interface, registry).

As per claim 8 same as claim arguments above and Mochizuki teaches:
further comprising choosing a best source of the more than one information, and utilizing that best source to provide at least some of the application program information ([0038]-[0041], information about applications

installed on the computer system is extracted from a list of additions and deletions from the registry, information extracted using windows application interface, registry).

As per claim 9 same as claim arguments above and Mochizuki teaches: further comprising storing information about the sources other than the best source with the program application information ([0036], configuration database)

Claims 25-29 are rejected under the same rationale as claims 5-9 arguments.

Claims 2-4,22-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki and Arora and Anderson ("Anderson") as applied to claims 1,21 above and further in view of Wong et al (US 2003/0090531).

As per claims 2-4 same as claim arguments above and Mochizuki and Arora and Anderson do not explicitly teach storing ...in an XML file. Wong does teach this limitation at parg.137 to standardize and simplify the task of transferring data file from one type of computer system of software to another. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mochizuki and Arora and Anderson with signatures ... associated with the executables to standardize and simplify the task of transferring data file from one type of computer system of software to another at parg. 136, lines 7-8.

Claims 22-24 are rejected under the same rationale as claim 2-4 arguments.

Claims 10, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki and Arora and Anderson as applied to claims 1, 21 above and further in view of Kidder et al (US 004/0031030).

As per claims 10, 30 same as claim arguments above and Mochizuki and Arora and Anderson do not explicitly teach wherein deriving a signature comprises generating a number from the subset utilizing a cyclic redundancy check. Kidder does teach this limitation to prevent errors and potential network device crashes due to applications not being upgraded. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Mochizuki and Arora and Anderson with deriving a signature comprises generating a number from the subset utilizing a cyclic redundancy check to prevent errors and potential network device crashes due to applications not being upgraded (paragraph 458, lines 4-6).

Response to Arguments


5. Applicant's arguments filed on November 21, 2007 with respect to claims 1-10, 21-30 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Susan Rayyan
February 2, 2008


JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100